REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 20, 2005. At the time of the Office Action, Claims 1-16 and 18-22 were pending in this Application. Claims 1-16 and 18-22 were rejected. Claim 17 was previously cancelled. Claims 1, 3, 8, 9, 10, 11, 16, 18, 21 and 22 have been amended to further define various features of the presently claimed embodiments. Applicants have cancelled Claim 2. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-4, 6, 8-11, 13, 15, 16, 18, 19, 21 and 22 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,463,550 issued to Darren J. Cepulis et al. ("Cepulis"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co. Ltd., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the art cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Independent Claim 1, as amended, recites a method including, among other steps, "detecting multiple memory modules in a system and in response to detecting the multiple memory modules, creating a greater number of memory objects to represent respective sections of the multiple memory modules."

Similarly, Independent Claim 8 recites an information handling system that includes "recovery logic in the BIOS that performs operations comprising: detecting multiple memory modules in a system; and in response to detecting the multiple memory modules, creating a

greater number of memory objects to represent respective sections of the multiple memory modules."

Independent Claim 16 recites a program product that includes instructions for "detecting multiple memory modules in the information handling system; and in response to detecting the multiple memory modules, creating a greater number of memory objects to represent respective sections of the multiple memory modules."

Independent Claim 22 recites an information handling system that includes, among other limitations, "recovery logic in the BIOS that performs operations comprising: detecting multiple memory modules in the information handling system; and in response to detecting the multiple memory modules, creating a greater number of memory objects to represent respective sections of the multiple memory modules."

Examiner cites to Cepulis as anticipating Independent Claims 1, 8, 16 and 22. Specifically, Examiner cites to Column 1, lines 28-42 and column 3, lines 21-26 as teaching the limitations listed above. Applicants respectfully submit that Cepulis fails to disclose, teach or suggest the detection of multiple memory modules and creating a greater number of memory objects to represent those memory modules as recited in the Independent Claims. The first portion cited by Examiner (Col. 1, lines 28-42) contains a general recitation of components for a personal computer. The second portion cited by Examiner describes that in some situations a user may want to leave a partially-defective memory installed and add additional memory devices to make up for the loss of memory capacity. Neither citation or any other portion of Cepulis discloses, teaches or suggests the creation of objects by the BIOS as recited.

Accordingly, Applicants request reconsideration, withdrawal of the rejections under §102(e) and full allowance of Independent Claims 1, 8, 16 and 22 and Claims 3-4, 6, 9-11, 13, 15, 18, 19 and 21 which depend therefrom.

Rejections under 35 U.S.C. §103

Claims 5, 12 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cepulis et al. in view of *Advanced Configuration and Power Interface Specification* 2.0 by Compaq Computer Corporation et al. ("ACPI"). Claim 7 was rejected under 35 U.S.C.

§103(a) as being unpatentable over Cepulis et al. in view of U.S. Patent No. 5,974,564 issued to Joseph Jeddeloh ("Jeddeloh"). Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cepulis et al. in view of Jeddeloh.

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious. Applicants submit that the claims listed above depend from Claims that have now been placed in condition allowance, thereby obviating the present rejections under §103(a). Accordingly, Applicants request reconsideration, withdrawal of the §103 rejections and full allowance of Claims 5, 7, 12, 14 and 20.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of remaining Claims 1-22, as amended.

Applicants believe there are no fees due at this time however, the Commissioner is hereby authorized to charge any fees necessary to Deposit Account No. 02-0383 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicants

Brian E. Szymczak
Reg. No. 47,120

SEND CORRESPONDENCE TO:
Baker Botts L.L.P.
CUSTOMER ACCOUNT NO. 23640
512.322.2548
512.322.8383 (fax)

Date: 9/20/05